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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,875	03/16/2004	David Michael Suprock	KZG100US	2962
35083	7590	04/03/2006	EXAMINER	
CHARLES D. GAVRILOVICH, JR., GAVRILOVICH, DODD & LINDSEY, LLP 985 PASEO LA CRESTA, SUITE B CHULA VISTA, CA 91910-6729			PASSANITI, SEBASTIANO	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,875	SUPROCK ET AL.	
	Examiner	Art Unit	
	Sebastiano Passaniti	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 39-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 01/12/2006 –
Election.

Applicant's election without traverse of Group I (claims 1-38) in the reply filed on
01/12/2006 is acknowledged.

Claims 39-48 have been withdrawn from further consideration pursuant to 37
CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable
generic or linking claim. Election was made **without** traverse in the reply filed on
01/12/2006.

Claim Rejections - 35 USC § 102 and 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng ('903). Reference is made to col. 4, lines 14-19.

Claims 1, 2, 5, 20, 21 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Soong ('746). Under §102, Soong shows a front face (2) connected to a rear face (8) only at the periphery. Considered in one light, the language "welded" does not patentably distinguish over the Soong teaching, as this language does not add any structure to the claim.

Alternatively, under §103, the Soong reference shows every feature claimed with the exception of a welded connection between the front and rear faces. The skilled artisan would have found it obvious to modify the Soong device by attaching the front face (2) to the rear face (8) using a welding technique or any other convenient attaching means.

Claims 1, 2, 5, 20, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soong ('746) in view of Cheng ('903). Soong shows every feature claimed with the exception of disclosing that the front and rear face members are welded to one another and more particularly that the face members are welded along a periphery. Cheng shows it to be old in the art to attach plural face members via welding, brazing or adhesive (col. 4, lines 12-18). In view of the patent to Cheng, it would have been obvious to modify the device in the cited art reference to Soong by attaching back face (8) to front wall (2) via welding, the motivation being to take advantage of a known connection technique. Note, the front and rear faces in Soong

are already intended to be connected solely at the periphery; thereby leaving a clearance space (10) between the two faces, as evidenced by Figure 1.

Claims 1, 4, 9, 19, 20, 23, 28 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen ('070). At the outset, it is noted that the language "welded" used in independent claims 1 and 20 is not deemed to patentably distinguish over the Chen teaching, as the welding does not impart any further structure to the face plate arrangement. Here, front face (40) and rear face (30) are adhered together via resin fiber fabric (35). Specific to claims 4 and 23, the rear face (30) is "smaller" in the sense that the rear face is thinner in cross-section than the front face. As to claims 9 and 28, the front face is clearly thicker than the rear face, as evidenced by Figure 2. As to claims 19 and 38, note the embodiment in Figure 6, wherein face (55) is now mated to "back face" (40), which in turn is mated to "another back face" (30).

Claims 1, 2, 4-11, 16, 20, 21, 23-30 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Eggiman ('261). At the outset, it is noted that the language "welded" used in independent claims 1 and 20 is not deemed to patentably distinguish over the Eggiman teaching, as the welding does not impart any further structure to the face plate arrangement. Here, front face (54) and rear face (56) are adhered together at the periphery in view of the connection adjacent the top or crown area and the connection provided by the periphery of lower sole plate (16'). In other words, there is nothing in the claim language that stipulates that the front and rear members must be in direct contact at the periphery. Here, the front face (54) and rear face (56) are indeed attached at or along the periphery, albeit indirectly through the crown and sole

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peripheries. As to the specific thickness requirements for the front and rear faces, the presence of a gas between the front and rear faces, the actual spacing dimension between the front and rear plates, and the claimed tensile and plasticity requirements, reference is made to col. 3, line 57 through col. 4, line 55 in Eggiman, wherein it is noted that the face and back plate materials along with the dimensions of the face and back plate as well as the elasticity of the face and back plate may all be selected and optimized through the collection of empirical data. Further, Eggiman suggests that the spacing between the front and rear plates along with the material filling the gap between the plates may be selected as convenient to accommodate different golfing styles. In view of the discussion in Eggiman, it would have been obvious to modify the Eggiman device to 1) include a suitable thickness for each of the front and back plates, 2) provide a gas filler or other suitable filling material between the plates and 3) include appropriate tensile strength and plasticity values for the front and back plates, the motivation being to tailor the performance of the golf club head in each individual golfer. Moreover, the claimed requirements are not deemed critical.

Claims 1, 3, 12-15, 17, 18, 20, 22, 31-34, 36 and 37 are rejected under 35 U.S.C. 102(e)/103(a) as being unpatentable over Willet ('820) in view of Cheng ('903). The claims are rejected under §102(e) in that Willet was filed prior to the filing date of the instant application. Willet differs from the claimed invention in that Willet does not detail the exact arrangement of circular, polygon, elliptical and square configurations for the back face. Here, front face (20) may be welded to rear face (40), as evidenced by col. 5, lines 22-30. Willet details that the rear face incorporates a vertical zone that is

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intended to provide stress management for durability and improved mass distribution (col. 2, line 51 through col. 3, line 25). Moreover, the design of the vertical zone may vary, as evidenced by the diverse embodiments displayed in Figures 3, 4, 5, 6, 9 and 10. In view of the discussion in Willet, it would have been obvious to further modify the Willet device by including a "back face" having the claimed geometrical configurations in order to provide a specific and desirable mass distribution. Here, the claimed geometrical shapes are deemed to be obvious design variants over the shapes provided by Willet.

Further References of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the details in each of the following references:

- Oldham: Page 1, col. 2, lines 60-70;
- Gutowski: Figure 4;
- Kusano: Col. 10, lines 32-55;
- Satoh: Element (1c) shown in Figures 12, 13;
- Igarashi: Plates (52C, 56) in Figures 13-15;
- Gilbert: Figure 3;
- Rice: Figures 5-10a;
- Lo: Insert of Figures 5 and 7 ;
- Anderson: Figure 3 connection of face insert to main body at periphery;
- Chen ('983): Filler material in front insert in Figures 7 and 10;
- Shieh: Figure 6;

Hutin: Figure 7;
Mahaffey: Figures 12-14;
Allen: Figures 13, 14;
Dewanjee: Figure 2a.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp
March 29, 2006


Sebastiano Passaniti
Primary Examiner